IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 22ND SEPTEMBER 2006 / 31ST BHADRA 1928

Bail Appl..No. 5536 of 2006(B)

SC.476/2001 of ADDL. DISTRICT COURT, VADAKARA
CRIME NO.441/2006 OF VADAKARA POLICE STATION

PETITIONER/3RD ACCUSED

KUNHABDULLA.K.K.,
S/O.KUNHAMMED HAJI, KANNAN KURUNGOTTU,
P.O.CHANIYAMKADAVU, PONMERY,
VADAKARA, KOZHIKODE DISTRICT.

BY ADV. SRI.SUNIL V.MOHAMMED

RESPONDENTS: STATE/COMPLAINANT

1. THE STATE OF KERALA,
REP. BY THE SI OF POLICE, VADAKARA POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. KANARAN, S/O.KANNAN,
VENTHAMANNIL KUNIYIL VEEDU,
THIRUVALLOOR, P.O.CHANIYAMKADAVU.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5536/2006

DATED THIS THE 22ND DAY OF SEPTEMBER, 2006

O R D E R

The petitioner is accused in crime No.441/2006 of Vadakara Police Station, for the offence punishable under Sections 143, 147, 148, 324 and 307 IPC read with Section 149 IPC. Though the petitioner took bail, he absconded.

2. The counsel for the petitioner submitted that the case is now pending as Sessions Case No.476/2001. Though the case of the second accused is split up during the committal stage, it had been later on numbered as S.C.No.569/2004 of Additional Sessions Court, Vadakara, and disposed of acquitting the second accused. The counsel for the petitioner also submitted that he had preferred Criminal M.C.No.3928/2005 before this court and in view of the present position of law, the same had been dismissed by the learned Judge and therefore, stay, that had been granted in

S.C.No.476/2001, is seen vacated.

3. I heard the arguments of either side. As the matter is now pending before the Court below, I direct the petitioner to surrender before the Additional Sessions Court, Vadakara, on 26.9.2006 at 11.00 a.m.

4. The learned Additional Sessions Judge shall hear the arguments of either side and pass appropriate orders on merit, considering the judgment dated 16.4.2005 in S.C.NO.569/2004, and other aspects involved in this case.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs